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January 27, 2020

**VIA ECF**

Honorable Judge Jesse Furman  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Boyce v. Weber and Little Bear, Inc.*, Case No. 19-cv-03825 (JMF) (SN)

Dear Judge Furman:

This letter is respectfully submitted by Defendants Bruce Weber and Little Bear, Inc. (“Defendants”) in connection with the summary judgment and Daubert deadlines.

The current schedule provides that Daubert and summary judgment motions are due on January 30.

However, as a result of issues that arose when Defendants attempted to depose Plaintiff’s expert witness in Los Angeles on January 13, 2020 that deposition has not yet been completed. This resulted in letter motion practice and a hearing with Magistrate Judge Netburn on January 24, 2020, wherein Magistrate Judge Netburn, among other things, gave Plaintiff until January 31 to elect either to withdraw his expert or to have her re-deposed, with Plaintiffs bearing fees and costs for the second deposition. The parties discussed that the deadline for Daubert motions would have to be moved. Defendants also sought a short extension of the summary judgment deadline in light of the delays, motion practice, and hearing caused by plaintiff in connection with the deposition issues, in the event that the Court does not otherwise re-set the summary judgment deadline to be the same time as the new Daubert deadline. Magistrate Judge directed the parties to meet and confer and write to Your Honor with the parties’ positions.

The parties have met conferred. Defendants request that the summary judgment deadline be continued such that summary judgment motions are due the same day as Daubert motions given the potential overlap in issues and apparently the Court’s practice. In the event that the Court is not inclined to make both deadlines the same, Defendants alternatively request that the summary judgment deadline be extended through February 12, 2020.

# **SheppardMullin**

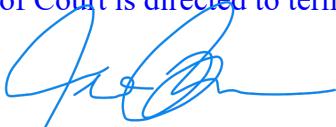
The Honorable Judge Jesse Furman  
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Plaintiff's counsel advised that his position is that he does not object to an extension of the summary judgment deadline to February 12, 2020, but does not agree to an extension of the summary judgment deadline beyond that. Plaintiff agrees to an extension of the Daubert motion deadline for both parties in accordance with the pending deposition date of Plaintiff's expert.

s/Daniel L. Brown  
Daniel L. Brown

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

The deadline to file *Daubert* and summary judgment motions is EXTENDED to **February 12, 2020**. The Clerk of Court is directed to terminate ECF No. 62. SO ORDERED.



January 28, 2020